

1 **THE LAW OFFICES OF AARON C. KOENIG**

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7 UNITED STATES BANKRUPTCY COURT

8 EASTERN DISTRICT OF CALIFORNIA

9 SACRAMENTO DIVISION

10 In re:) Case No.: 2010-40374-C-7
11 EDWARD A. SYKES)
12 AND MARTA W. SYKES,) MCN: ACK-1
13 Debtors) **MOTION TO REQUIRE THE TRUSTEE TO**
14 **ABANDON PROPERTY OF THE ESTATE**

15 DATE: August 24, 2010

16 TIME: 9:30 a.m.

17 JUDGE: Hon. Christopher M. Klein

18 LOCATION: 501 I Street,

19 6th Floor, Courtroom 35

20 Sacramento, CA 95814

21 MOTION TO REQUIRE THE TRUSTEE TO ABANDON PROPERTY OF THE ESTATE

22 NOW COMES EDWARD A. SYKES AND MARTA W. SYKES, the Debtors
23 in the above-entitled matter, by their attorney, Aaron C.
24 Koenig, to require the trustee to abandon property of the
25 estate.

11 U.S. C. § 554(b) provides that on request of a party in
interest and after notice and hearing, the court may order the
trustee to abandon any property of the estate that is burdensome

1 to the estate or that is of inconsequential value and benefit to
2 the estate.

3 1. Debtor's filed their Chapter 7 petition on July 30,
4 2010.

5 2. Michael F. Burkart has been appointed as the interim
6 trustee in the case.

7 3. The 341 Meeting is scheduled to be held on September 8,
8 2010 at 10:00 a.m.

9 4. Among the assets scheduled by the Debtors is a sole-
10 proprietorship known as "Jakarta Bodyworks" located at
11 3504 Walnut Ave, Carmichael, CA 95608.

12 5. Currently the business has no employees.

13 6. The Debtor's have listed on the Voluntary Petition the
14 DBA name of the business and have disclosed on the
15 Statement of Financial Affairs the business
16 information.

17 7. On Schedule B the debtor's have listed the assets of
18 the business. (See Exhibit A)

19 8. The Debtor's have exempted the property on Schedule C
20 pursuant to C.C.P. § 703.140(b)(6). (See Exhibit B)

21 9. The business has an office lease and this is listed on
22 Schedule G. (See Exhibit C)

23 10. The Debtor's have submitted to the trustee and attached
24 to Schedule J the profit and loss sheets of the
25 business for the prior 6 months.

11. In light of the foregoing, even if the business could
be sold, there is no equity in the business for the

1 benefit of the creditors of the bankruptcy estate, so
2 the property has no value to the Chapter 7 Trustee.

3 12. The Debtor's need to operate the business to generate
4 income to support their family and hereby requests that
5 the Court grant this motion so that they may operate
6 the business.

7
8 WHEREFORE, the Debtor's respectfully move the Court,
9 pursuant to the provisions of 11 USC § 554(b) and Bankruptcy
10 Rule 6007(b), to order the Chapter 7 Trustee to abandon the
11 subject business to the Debtor's, and to grant the Debtor's such
12 further and other relief as the Court deems just and proper.

13
14 Dated: August 2, 2010

15 THE LAW OFFICES OF AARON C. KOENIG

16 BY: /s/Aaron C. Koenig
17 Aaron C. Koenig
Attorney for Debtor